

**STATE OF GEORGIA  
COUNTY OF FULTON  
CITY OF SOUTH FULTON**

**RESOLUTION NO. 2018-004**

**RESOLUTION APPROVING A JOINT RESOLUTION TO TRANSFER  
JURISDICTION OF FULTON COUNTY, GEORGIA'S FIRE AND RESCUE  
DEPARTMENT TO THE CITY OF SOUTH FULTON; AND FOR OTHER  
PURPOSES.**

**WHEREAS**, the City of South Fulton ("City") is a municipal corporation created by the 2016 General Assembly pursuant to House Bill 514 ("H.B. 514") and duly organized and existing under the laws of the State of Georgia; and

**WHEREAS**, the City is charged with providing public services to residents located within the corporate limits of the City; and

**WHEREAS**, H.B. 514 provides the City with a twenty-four month transition period beginning on November 15, 2016 ("Transition Period") before the City must assume and exercise all powers of a municipality; and

**WHEREAS**, Section 1.12(11) of H.B. 514 provides for the creation of fire regulations in the City; and

**WHEREAS**, Section 1.12(27) of H.B. 514 provides for the creation of a fire fighting agency in the City; and

**WHEREAS**, the City has complied with its obligations regarding notice and a written plan to transition the Fire and Rescue Department; and

**WHEREAS**, the City desires to begin operating its Fire and Rescue Department on February 26, 2018; and

**WHEREAS**, the City Council wants to ensure that all people are safe and finds that it is in the best interest of all citizens of the City to provide for a fully-functioning Fire and Rescue Department in the City of South Fulton.

**THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF SOUTH FULTON, GEORGIA, AS FOLLOWS:**

1. The aforesaid recitals are not mere recitals, but are material portions of this Resolution.
2. The City Council approves the "Joint Resolution to Transfer Jurisdiction of Fulton County, Georgia's Fire and Rescue Department to the City of South Fulton; and for Other Purposes" attached to this Resolution as "Exhibit 1" and authorizes the Mayor, the City Clerk and the Interim City Attorney to execute Exhibit 1 on behalf of the City.

3. **Severability** - To the extent, any portion of this Resolution is declared invalid, unenforceable, or non-binding, that shall not affect the remaining portions of this Resolution.
4. **Repeal of Conflicting Provisions** - All City resolutions inconsistent with this Resolution are hereby repealed.
5. **Effective Date** - This Resolution shall be effective immediately upon approval by the City Council and Mayor as provided in the City Charter.

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The foregoing Resolution No. **2018-004**, adopted on **January 9, 2018** was offered by Councilmember **Willis** who moved its approval. The motion was seconded by Councilmembers **Gilyard and Jackson**, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	_____	_____
Mark Baker, Mayor Pro Tem	_____✓_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____✓_____	_____
Carmalitha Lizandra Gumbs	_____✓_____	_____
Helen Zenobia Willis	_____✓_____	_____
Gertrude Naeema Gilyard	_____✓_____	_____
Rosie Jackson	_____✓_____	_____
khalid kamau	_____✓_____	_____

THIS RESOLUTION adopted this 9<sup>th</sup> day of January, 2018. CITY OF  
SOUTH FULTON, GEORGIA

W Edwards

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

Mark Massey

MARK MASSEY, CITY CLERK



Item# Res2018-004 Date 01 / 09 / 2018

APPROVED AS TO FORM:

Josh Belinfante

JOSH BELINFANTE, INTERIM CITY ATTORNEY

1 **A JOINT RESOLUTION TO TRANSFER JURISDICTION OF FULTON**  
2 **COUNTY, GEORGIA'S FIRE AND RESCUE DEPARTMENT TO THE CITY OF**  
3 **SOUTH FULTON; AND FOR OTHER PURPOSES.**

4 **WHEREAS**, the City of South Fulton ("City") is a municipality created by the 2016  
5 General Assembly pursuant to House Bill 514 ("H.B. 514"); and

6 **WHEREAS**, H.B. 514 provides the City with a twenty-four month transition period  
7 beginning on November 15, 2016 ("Transition Period") before the City must assume and  
8 exercise all powers of a municipality; and

9 **WHEREAS**, the City has held municipal elections and elected a City Council with  
10 the full authority to adopt ordinances and other legislation for the purposes of governing  
11 the City of South Fulton; and

12 **WHEREAS**, Section 1.12 (11) of H.B. 514 provides for the creation of fire  
13 regulations in the City; and

14 **WHEREAS**, Section 1.12 (27) of H.B. 514 provides for the creation of a fire  
15 fighting agency in the City; and

16 **WHEREAS**, Article 4.2 of the May 1, 2017 Intergovernmental Agreement for the  
17 provision of certain services between the City and the County (IGA) provides for one  
18 hundred and eighty (180) days minimum notice before the termination of fire services in  
19 the County in order to ensure the safety of the public and ensure a smooth transition to  
20 the City; and



1           **WHEREAS**, the City has timely notified the County that it desires to begin  
2     operating its Fire and Rescue Department on February 26, 2018; and

3           **WHEREAS**, pursuant to Article 4.2 of the IGA, the City has provided the County  
4     with a written plan describing how the City plans to accomplish the tasks required to  
5     create the new fire department and the projected time frame for the completion of the  
6     task; and

7           **WHEREAS**, Articles 17, 18, 19, 20, 21 and 22 of the IGA provides for the  
8     definition, management, services, overtime detail and special assignments,  
9     recordkeeping and reporting and ancillary fire services of the fire and rescue  
10    department services; and

11          **WHEREAS**, O.C.G.A. § 25-3-22 provides the constitutional authority for a fire  
12    department to be legally organized to operate in the State of Georgia; and

13          **WHEREAS**, O.C.G.A. §§ 25-3-1 and 25-3-2 provide the constitutional authority  
14    for the City to exercise its general and emergency powers if the City satisfies the  
15    minimum requirements specified in Code Section 25-3-23 and the rules and regulations  
16    of the Georgia Firefighter Standards and Training Council to function as a fire  
17    department; and

18          **WHEREAS**, O.C.G.A. § 25-3-4 provides the constitutional authority for the  
19    governing body of each county, municipality, or other political subdivision of the State  
20    with the power to enact ordinances, regulations, or fire and life safety codes as may be  
21    necessary to carry out this article; and

1           **WHEREAS**, the Board of Commissioners wants to ensure that all people are  
2 safe and finds that it is in the best interest of all citizens of Fulton County, including the  
3 citizens of the City, to provide for a fully-functioning Fire and Rescue Department in the  
4 City of South Fulton.

5           **WHEREAS**, the County desires to transfer its Fire and Rescue Department as  
6 well as the Georgia Search and Rescue (GSAR) and HAZMAT teams to the City of  
7 South Fulton; and

8           **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF**  
9 **COMMISSIONERS OF FULTON COUNTY, GEORGIA**, that all jurisdiction necessary  
10 for the City to operate its Fire and Rescue Department Services as set forth in Section  
11 1.12 (27) of H.B. 514 shall be transferred from Fulton County to the City at midnight on  
12 February 26, 2018.

13           **BE IT FURTHER RESOLVED**, that all assets associated with the Fleet and  
14 Rescue Maintenance shall transfer in accordance with Article 17.3 as outlined in  
15 Schedule B of the IGA, and pursuant to O.C.G.A. § 36-31-11.1, the control and title of the  
16 fire stations shall transfer to the City from the County at a cost of \$5,000.00 for each  
17 such fire station.

18           **BE IT FURTHER RESOLVED**, the County will continue to maintain fire services  
19 as it relates to unincorporated parts of the Fulton Industrial Boulevard district (FIB).  
20

1           **BE IT FURTHER RESOLVED**, that this Joint Resolution shall become effective  
2 upon its adoption, and that all resolutions and parts of resolutions in conflict with this  
3 Joint Resolution are hereby repealed to the extent of the conflict.

4  
5           **SO PASSED AND ADOPTED**, this 10 day of January, 2018.

6  
7 **FULTON COUNTY BOARD OF COMMISSIONERS**

8  
9 By: \_\_\_\_\_

10 Robert L. Pitts, Chairman

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12  
13 **ATTEST:**

14   
15 Tonya Grier, Interim  
16 Clerk to the Commission

17  
18  
19 **APPROVED AS TO FORM:**

20   
21 Patrise Perkins-Hooker, County Attorney

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23  
24  
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26  
27 **CITY OF SOUTH FULTON, GEORGIA**

28 By: \_\_\_\_\_

29 William "Bill" Edwards, Mayor  
30 City of South Fulton, Georgia

31  
32 **ATTEST:**

33   
34 Mark Massey, City Clerk

35  
36 **APPROVED AS TO FORM:**

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Josh Belinfante, Interim City Attorney

Item# Res2018-004 Date 1 / 9 / 2018

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ITEM # 18-0007 RM 1 / 10 / 18  
REGULAR MEETING